

# EXHIBIT A

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10 Attorneys for Plaintiff

COPY

APR 28 2011



7 SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

8 LORRIE BUTTERWORTH, a married ) Case No.: CV2011-053836  
9 woman, )  
10 Plaintiff, )  
11 v. ) COMPLAINT  
12 ) (Jury Trial Requested)  
13 SEAN LILLE M.D., P.C., a domestic )  
14 corporation, and SEAN T. and DIANE )  
15 LILLE, husband and wife. )  
16 Defendants. )

17 Plaintiff Lorrie Butterworth, for her Complaint, alleges as follows:

18 1. Plaintiff Lorrie Butterworth ("Butterworth") is currently and at all times  
19 relevant to this action a resident of Maricopa County, Arizona. During the two year  
20 period prior to filing this Complaint ("the Claim Period"), Butterworth performed labor  
21 services for Defendants but was not compensated appropriately under federal law.

22 2. Defendant Sean Lille, M.D., P.C., is a corporation located in Maricopa  
23 County and registered to do business in the State of Arizona ("the Company").

3. Defendants Sean T. and Diane Lille are residents of Maricopa County, Arizona. At all times relevant to this action Defendants Sean T. and Diane Lille owned a majority interest in the Company. Defendant Sean T. Lille is also the President, Director and owner of the Company. In his capacity as an owner and corporate officer of the Company, Defendant Sean T. Lille was responsible for classifying Plaintiff as exempt or non-exempt under federal overtime law. Defendant Sean T. Lille is therefore an “employer” subject to individual liability on behalf of himself and his marital community under the FLSA.

4. The events giving rise to these causes of action occurred, at least in part, in Maricopa County, Arizona.

5. This Court has jurisdiction and venue over the subject matter and the parties hereto pursuant to A.R.S. §12-123 and 12-401.

**COUNT ONE**

**(Failure to Properly Pay Overtime Wages in Violation of the  
Fair Labor Standards Act, 29 U.S.C. §§ 201-219 Against All Defendants)**

6. Plaintiff incorporates by reference the allegations above. In support of her Complaint for unpaid overtime wages pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201-219 (hereinafter "FLSA") she alleges as follows:

7. During the Claim Period, Plaintiff was employed by Defendants as a scheduling coordinator. Plaintiff's primary job duties were non-exempt in nature, and included answering telephone and internet inquiries, ordering supplies and scheduling appointments. At all times relevant to this action, Plaintiff was a covered "employee" and Defendants were Plaintiff's "employer" as those terms are defined by the FLSA.

1       8. At all times during the Claim Period the Company was a covered  
2 "Enterprise engaged in commerce or in the production of goods for commerce" as that  
3 term is defined by the federal Fair Labor Standards Act, 29 U.S.C. §§ 201-219 (the  
4 "FLSA").

5       9. Plaintiff worked in excess of 40 hours per week on multiple times during  
6 her employment with Defendants. Plaintiff was paid a base salary for her services, but  
7 was not appropriately compensated in full for time worked in excess of 40 hours per  
8 week in violation of the FLSA.

10      10. Defendants knew that they were subject to the requirements of the FLSA.

11      11. Defendants knew or should have known that the duties performed by  
12 Plaintiff were non-exempt duties under the FLSA.

13      12. Defendants nonetheless classified Plaintiff as "exempt" in an intentional  
14 effort to avoid additional overtime compensation due her under the FLSA.

16      13. At all times during the Claim Period, Plaintiff was a nonexempt employee  
17 under the FLSA.

18      14. During the Claim Period Defendants failed to comply with Title 29 U.S.C.  
19 §§ 201-219 in that Plaintiff often worked in excess of 40 hours per week but was not paid  
20 for those excess hours at the compensation rate required by the FLSA.

22      15. Plaintiff has suffered economic damages as a result of Defendants'  
23 unlawful compensation practice and is entitled to statutory remedies provided pursuant to  
24 the FLSA, including but not limited to, unpaid overtime compensation, liquidated  
25 damages, pre and post judgment interest, attorneys' fees and costs.

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial of her claims by jury to the extent authorized by law.

**REQUESTED RELIEF**

WHEREFORE, Plaintiff requests:

A. For the Court to declare and find that the Defendants committed the following acts:

i. violated the overtime provisions of the FLSA;

B. For the Court to award damages, including liquidated damages pursuant to 29 U.S.C. § 216(b);

C. For the Court to award Plaintiff her reasonable attorneys' fees and costs;

D. For the Court to award pre-judgment interest on all compensation due, accruing from the date such amounts were due, and post-judgment interest; and

E. For the Court to award such other monetary, injunctive, equitable and declaratory relief as the Court deems just and proper.

Dated this 26 day of April, 2011.

  
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# **EXHIBIT B**

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1 in this state, the insurer shall not be required to appear, answer or plead until the  
2 expiration of 40 days after date of such service upon the Director. Served by registered  
3 or certified mail without the State of Arizona is complete 30 days after the date of filing  
4 the receipt and

5 affidavit of service with the Court. Service by publication is complete 30 days after the  
6 date of first publication. Direct service is complete when made. Service upon the  
7 Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of  
8 Compliance and return receipt or Officer's Return. **RCP 4; A.R.S. §§ 20-222, 28-502,**  
**28-503.**

9 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and  
10 defend within the time applicable, judgment by default may be rendered against you for  
11 the relief demanded in the Complaint.

12 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an  
13 Answer or proper response in writing with the Clerk of this Court, accompanied by the  
14 necessary filing fee, within the time required, and you are required to serve a copy of any  
15 Answer or response upon the Plaintiff's attorney. **RCP 10(d); A.R.S. § 12-311; RCP 5.**

16 REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH  
17 DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE  
18 BY PARTIES AT LEAST THREE (3) JUDICIAL DAYS IN ADVANCE OF A  
19 SCHEDULED COURT PROCEEDING. **Maricopa County Local Rule 2.6, effective**  
**October 1, 1994.**

20 The name and address of Plaintiffs' attorney is:

21 **Michelle R. Matheson, Esq.**  
22 **Matheson & Matheson, P.L.C.**  
23 **14358 N. Frank Lloyd Wright Blvd., Suite 11**  
24 **Scottsdale, Arizona 85260**  
25 **(480) 889-8951**

26 GIVEN UNDER MY HAND this date: \_\_\_\_\_

27 Clerk of the Superior Court



28 By \_\_\_\_\_  
29 Deputy Clerk

# EXHIBIT C

1 Michelle R. Matheson #019568  
2 minmatheson@mathesonlegal.com  
3 Matthew E. Walls #026523  
4 mwalls@mathesonlegal.com  
5 MATHESON & MATHESON, P.L.C.  
6 14358 N. Frank Lloyd Wright Blvd.  
7 Suite 11  
8 Scottsdale, Arizona 85260  
9 (480) 889-8951  
10 Attorneys for Plaintiff

COPY

APR 28 2011



MICHAEL K. JAMES, CLERK  
MARTHA WANKE  
DEPUTY CLERK

7 SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

8  
9 LORRIE BUTTERWORTH, a married ) Case No.:  
10 woman, ) CV2011-053856  
11 Plaintiff, ) CERTIFICATE REGARDING  
12 v. ) COMPULSORY ARBITRATION  
13 SEAN LILLE M.D., P.C., a domestic )  
14 corporation, and SEAN T. and DIANE )  
15 LILLE, husband and wife. )  
16 Defendants. )

17 The undersigned certifies that she knows the dollar limits and any other limitations  
18 set forth by the local rules of practice for the applicable superior court, and further  
19 certifies that this case is within the jurisdictional limit for compulsory arbitration and is  
20 subject to compulsory arbitration, as provided by Rules 72 through 76 of the Arizona  
21 Rules of Civil Procedure.

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3 DATED this 28 day of April, 2011.  
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9 Michelle R. Matheson #019568  
10 mmatheson@mathesonlegal.com  
11 Matthew E. Walls #026523  
12 mwalls@mathesonlegal.com  
13 MATHESON & MATHESON, P.L.C.  
14 14358 N. Frank Lloyd Wright Blvd.  
15 Suite 11  
16 Scottsdale, Arizona 85260  
17 (480) 889-8951  
18 Attorneys for Plaintiff  
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# **EXHIBIT D**

1 Carrie M. Francis (#020453)  
2 **STINSON MORRISON HECKER LLP**  
3 1850 North Central Avenue, Suite 2100  
4 Phoenix, Arizona 85004-4584  
5 Tel: (602) 279-1600  
6 Fax: (602) 240-6925  
7 Email: [cfrancis@stinson.com](mailto:cfrancis@stinson.com)  
8 Attorneys for Defendants

9  
10 **SUPERIOR COURT OF ARIZONA**

11 **MARICOPA COUNTY**

12 LORRIE BUTTERWORTH, a married  
13 woman,

14 No. CV 2011-053836

15 **NOTICE OF REMOVAL**

16 Plaintiff,

17 v.

18 SEAN LILLE M.D., P.C., a domestic  
19 corporation, and SEAN T. and DIANE  
20 LILLE, husband and wife,

21 Defendants.

22 PLEASE TAKE NOTICE that on May 23, 2011, Defendants Sean Lille M.D.,  
23 P.C. and Sean T. and Diane Lille ("Defendants") filed for removal of this case to the  
24 United States District Court for the District of Arizona, which completes the removal of  
25 Plaintiff's action number CV 2011-053836, pursuant to 28 U.S.C. §§ 1331 and  
26 1441(b). A copy of the Notice of Removal (without exhibits) is attached hereto as  
Exhibit A.

27 Therefore, Defendants having taken all steps to effect removal of this case, this  
28 Court may proceed no further unless and until the case is remanded by Order of the  
United States District Court. *See* 28 U.S.C. § 1446(d).

29 Defendants further certifies that Plaintiff has been notified of this removal and  
30 served with a copy of the Notice of Removal.

1 DATED this 23rd day of May, 2011.  
2  
3  
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5 **STINSON MORRISON HECKER LLP**  
6  
7

8 By: /s/Carrie M. Francis  
9  
10

11 Carrie M. Francis  
12 1850 North Central Avenue, Suite 2100  
13 Phoenix, Arizona 85004-4584  
14 Attorneys for Defendants

15  
16 ORIGINAL e-filed with the Clerk of the  
17 Superior Court on the 23rd day of May, 2011.  
18  
19

20 COPY of the foregoing mailed this 23rd day  
21 of May, 2011, to:  
22  
23

24 Michelle R. Matheson  
25 Matheson & Matheson, P.L.C.  
26 14358 North Frank Lloyd Wright Blvd.  
Suite 11  
Scottsdale, Arizona 85260  
Attorneys for Plaintiff

27  
28 /s/Patricia Jennings  
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